REMARKS/ARGUMENTS

The foregoing amendment and the following arguments are provided to impart precision to the claims, by more particularly pointing out the invention, rather than to avoid prior art.

Claims 1, 3-5, 7-9 and 11-16 are presented for examination. Claim 13 has been amended to more particularly point out what Applicant regards as the invention. Reconsideration of the present application, as amended, is respectfully requested.

35 U.S.C. § 102(b) Rejections

Examiner rejected claims 13-16 under 35 U.S.C. § 102(b) as being anticipated by International Publication WO 97/04394 (hereinafter "Drake"). Applicants respectfully submit that independent claim 13 of the present application includes limitations not disclosed or taught by Drake. Claim 13 recites:

> An article comprising:
> > a machine-readable medium having stored thereon:
> > > instructions which, when executed by a data processing device, cause the data processing device to:
> > > > transfer control to a software test module when a second instruction having an instruction address in the instructions is executed by the data processing device, the second instruction replacing a non-identical first instruction comprising a target address, the first instruction to invoke a function or procedure, and the first instruction comprising more bytes than the second instruction, the software test module comprising:
> > > > > a table comprising a target address of the replaced first instruction; and
> > > > > test instructions to produce a test result by performing a test on the instructions, the test module to locate the target address in the table and to transfer control to the target

> **address if the test result indicates the instructions are to proceed.**

(Claim 13, emphasis added). Applicants respectfully submit that Drake does not teach nor suggest the limitations as claimed by applicants. In particular, Drake does not disclose transferring control to a software test module comprising a table comprising a target address of the replaced first instruction and the test module to locate the target address in the table and to transfer control to the target address if the test result indicates the instructions are to proceed.

The Examiner appears to have equated Drake's "Area 94" to the first instruction and Drake's "Netsafe 1 code 104" to the second instruction as claimed. Upon execution of code 104, control is passed to "netsafe 2 code 113," which decrypts any encrypted areas, checksums the decrypted area, and tests the result against a prestored checksum. Drake's "netsafe 2 code 113", however, does not include a table comprising a target address of the replaced first instruction. Also, "netsafe 2 code 113" does not locate the target address of the replaced first instruction and transfer control to the target address if the test result indicates the instructions are to proceed.

Therefore, Drake does not teach each and every limitation of claim 13 and does not anticipate claim 13. Further, since claims 14-16 depend on claim 13, and include its limitations, Drake does not anticipate claims 14-16 under 35 U.S.C. § 102(b).

35 U.S.C. § 103(a) Rejections

The Examiner rejected claims 1, 3-5, 7-9, 11 and 12 under 35 U.S.C. § 103(a) as being unpatentable over Drake in view of U.S. Patent No. 5,966,541 to Agarwal (hereinafter Agarwal).

Independent claims 1, 5, and 9 include the limitation, or a limitation similar thereto, of:

> storing the target address encrypted in a table, the test module to locate the target address in the table and to set an execution address to the target address if test results indicates the instructions are to proceed

Applicants respectfully argue that Drake and Agarwal, individually or in combination, do not teach this limitation.

Agarwal discusses a method for repairing or testing a program by implementing converting code that operates on variables that can suffer a mismatch into code that correctly accounts for or tests for the mismatch. (Agarwal, Abstract). Agarwal does not teach or suggest storing the target address of a replaced first instruction encrypted in a table, the test module to locate the target address in the table and to set an execution address to the target address if test results indicates the instructions are to proceed.

Therefore, in view of independent claims 1, 5 and 9 including limitations that are not disclosed nor suggested by Drake or Agarwal, either individually or in combination, independent claims 1, 5 and 9 are not rendered obvious by the cited references. In addition, the remaining claims depend from one of the

independent claims as discussed above, and therefore include similar limitations, and as a result are also not rendered obvious by the cited references.

CONCLUSION

Applicants respectfully submit the present application is in condition for allowance. If the Examiner believes a telephone conference would expedite or assist in the allowance of the present application, the Examiner is invited to call Judith Szepesi at (408) 720-8300.

Authorization is hereby given to charge our Deposit Account No. 02-2666 for any charges that may be due.

Respectfully submitted,

BLAKELY, SOKOLOFF, TAYLOR & ZAFMAN
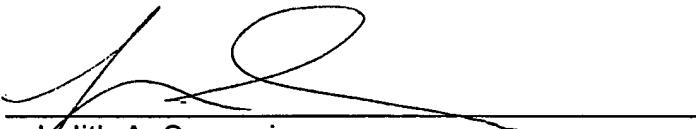
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